

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GREGORY VONZELL COMER,)	
)	
Petitioner,)	
)	1:16CV653
v.)	2:95CR69-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

The Recommendation and Order of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on June 21, 2016, was served on the parties in this action. Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation. Petitioner has also filed a letter motion seeking appointment of new counsel. [Doc. #88.] Petitioner has not demonstrated good cause for the appointment of new counsel, nor does the Court find that the appointment of new counsel would be in the interest of justice.

IT IS THEREFORE ORDERED that Petitioner's motion for appointment of counsel [Doc. #88] is **DENIED**.

IT IS FURTHER ORDERED that this action be filed and then dismissed *sua sponte* for failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the court of appeals as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local Rule 22(d). A judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 20th day of June, 2017.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge